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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 ANGEL FRALEY; PAUL WANG; SUSAN
20 MAINZER; JAMES H. DUVAL, a minor,
21 by and through JAMES DUVAL, as
22 Guardian ad Litem; and W.T., a minor, by
23 and through RUSSELL TAIT, as Guardian
24 ad Litem; individually and on behalf of all
25 others similarly situated,

26 Plaintiffs,

27 v.

28 FACEBOOK, INC., a corporation; and
DOES 1-100,

Defendants.

Case No. CV 11-01726 LHK

**DECLARATION OF SUSAN E.
LINN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: July 12, 2012

Time: 1:30 p.m.

Courtroom: 8

Judge: Hon. Lucy H. Koh

Trial Date: December 3, 2012

**DECLARATION OF SUSAN E. LINN IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

CASE No. CV 11-01726 LHK

1 I, Susan E. Linn, hereby state and declare:

2 1. I am the Director of Campaign for a Commercial-Free Childhood ("CCFC").
3 Additionally, I am also an instructor in Psychiatry at Harvard Medical School, and
4 Research Associate at Boston Children's Hospital. I have personal knowledge of the
5 facts stated in this declaration, and if called upon to testify, could and would
6 competently testify thereto. I make this Declaration in support of Plaintiffs' Motion
7 for Preliminary Approval of Class Action Settlement.

8 2. Attached hereto as Exhibit 1 is a copy of my curriculum vitae.

9 3. The address for CCFC is CCFC, Non-Profit Center, 89 South St., Suite 403, Boston,
10 MA 02111. The Internet URL is www.commercialfreechildhood.org.

11 4. I co-founded CCFC in 2000 and have been its director, continuously, since its
12 inception in 2000 to the present.

13 5. The Campaign for a Commercial-Free Childhood's mission is to support parents'
14 efforts to raise healthy families by limiting commercial access to children and ending
15 the exploitive practice of child-targeted marketing. In working for the rights of
16 children to grow up—and the freedom for parents to raise them—with out being
17 undermined by corporate interests, CCFC promotes a more democratic and
18 sustainable world. CCFC is the only national organization devoted to limiting the
19 harmful effects of corporate marketing on children, a significant factor in childhood
20 obesity, eating disorders, precocious sexuality, youth violence and the erosion of
21 creative play. We organize parents, educators, and healthcare professionals to hold
22 corporations accountable for their egregious marketing practices and advocate for
23 policies that protect children from commercial exploitation. In addition, CCFC
24 educates the public about the harms of marketing to children and the need for
25 insuring commercial-free time and space for children. Our work has been featured
26 on the Today Show, CBS Evening News, ABC World News Tonight, the Colbert
27 Report, Dateline, Good Morning America, Fox News and CNN, on radio stations
28

1 around the world, and in hundreds of newspapers, including the New York Times,
 2 the Wall Street Journal, USA Today, and the International Herald Tribune. CCFC's
 3 financial support comes from individuals and foundations.

4 6. We do not accept corporate funding.

5 7. CCFC is a program of Third Sector New England (TSNE), a 501(c)(3) nonprofit that
 6 serves as a fiscal sponsor for organizations throughout New England. In Fiscal Year
 7 2013, TSNE will have an annual budget of about \$6 million.

8 8. CCFC's annual budget was \$294,625 in fiscal year 2010-2011, \$361,307 in fiscal
 9 year 2011-2102. CCFC's projected budget for fiscal year 2012-2013 is \$280,000.

10 9. CCFC currently has 3.67 full time employees.

11 10. All of CCFC's expenses are submitted to Third Sector New England for approval.
 12 TSNE issues monthly reports on CCFC's expenditure and income. All of CCFC's
 13 financial information is included in TSNE's annual audit and tax filings.

14 11. TSNE's budget for fiscal year 2012 is \$6,103,865.

15 12. CCFC has a long list of successes in reaching its mission (stated above). Among
 16 these success are

17 a. Scholastic—As a result of CCFC's efforts, Scholastic Inc., the renowned
 18 educational publisher, stopped distributing "The United States of Energy",
 19 fourth grade teaching materials paid for by the American Coal Foundation.
 20 Following that success, CCFC partnered with Change.org to rally tens of
 21 thousands of parents, educators and grassroots advocates to successfully
 22 persuade Scholastic to drastically limit its practice of partnering with
 23 corporations to produce sponsored teaching materials.

24 b. Walt Disney—After years of effort, including a Federal Trade Commission
 25 complaint, CCFC convinced the Walt Disney Company to offer an
 26 unprecedented refund to anyone who bought a Baby Einstein video over the
 27 past five years. CCFC sought the refund for parents as part its ongoing
 28

campaign to stop the false and deceptive marketing of baby videos as educational. Our efforts were featured in a front page story in the New York Times, which called the refunds “a tacit admission that {the videos} do not increase infant intellect.”

- c. School Bus Ads—With our web-based School Bus Ad Action Center and outreach to individual communities we helped parents and educators defeat state legislation to advertising on the exterior of school buses. In 2012, eight states considered proposals to allow school bus ads, and all eight were defeated.
- d. Bus Radio—We organized parents around the country to stop BusRadio, a company that broadcasted student-targeted ads on school buses. After a three-year campaign by CCFC, BusRadio closed its doors. Our efforts included a protest at BusRadio’s headquarters, targeting the company’s advertisers, and organizing parents to attend school board meetings to oppose BusRadio in the districts. Working Senator Byron Dorgan, we were also able to get the Federal Communications Commission to issue an important study of whether specially designed commercial radio broadcasts for school buses are in the public interest.
- e. Hasbro—We stopped Hasbro from producing a line of dolls for six-year-old girls based on the Pussy Cat Dolls, a burlesque troupe turned singing group known for its sexualized songs and dances. After we were alerted by a concerned parent of Hasbro’s plans for the dolls, we launched a letter-writing campaign. Within 48 hours, Hasbro announced they would not go forward with the dolls.

13. It is my understanding that the purpose of this lawsuit was to help protect the right to publicity and right to privacy of users of Facebook, in that they claimed they had been used in ads called Sponsored Stories without their consent. I believe that the settlement negotiated by Plaintiffs in this case will be a tremendous benefit to the

1 class. These goals of the settlement are in line with CCFC's goals of protecting
2 children from exploitation. If the Court approves an award to CCFC, CCFC intends
3 to use funds from the settlement over two years or more to intensify and make more
4 sustainable our efforts to help parents raise healthy families by limiting commercial
5 access to children. In particular, awarded funds will help us address the escalation of
6 child-targeted marketing made possible through new, portable technologies offering
7 apps, gaming, virtual worlds, and social networking to younger and younger
8 children.

9 I declare under the penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct, and that if called upon to testify, I could verify the accuracy of the
11 same. This document was executed on July 6, 2012 in Boston, Massachusetts.

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13 Susan E. Linn

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